

REMARKS

I. Status of the Claims. Claims 1-20 have been cancelled without prejudice or disclaimer. Claims 21-45 have been added. Support for the added claims is found throughout the application as filed, e.g., in the English language version of the specification filed on August 18, 2006 at paragraphs [0010], [0018]-[0021], [0075]-[0078], and [0108]; Examples 1-11 found on pages 17-24; and original claims 1-7 and 17-20.

By this Amendment, no new matter has been added to the application.

II. Response to Objections/Rejections

The Examiner has set out a series of objections and rejections that pertained to claims 1-20. In response, without conceding the validity of any objection or rejection, claims 1-20 have been cancelled and replaced with new claims 21-45. The new claims are believed to address each of the objections and rejections set out by the Examiner, as follows.

(i) Claims 17-20 were objected to as being in improper form for having a multiple dependent claim depend from another multiple dependent claim. The new claims are believed to conform with all requirements as to proper form. Withdrawal of the objection is requested.

(ii) Claims 1-5 were rejected under 35 U.S.C. §101 for allegedly reading on products of nature that do not require the hand of man. The new claims are directed to the monoclonal antibodies designated 1A10, 1C3, or 82E1, or chimeric or humanized forms thereof. The claims do not encompass naturally occurring antibodies and were “made by the hand of man.” Withdrawal of the rejection is requested.

(iii) Claims 4, 5 and 16 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for recitation of terms the Examiner objected to as allegedly being confusing. The terms objected to by the Examiner do not appear in the new claims. Withdrawal of the rejection is requested.

(iv) Claims 1-8, 10 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Chain, U.S. Patent Publication No. 2003/0073655 (“Chain”). Claims 1-5 and 8-15 were rejected under 35 U.S.C. §102(b) as being anticipated by Mathews et al., 2002, J. Biol. Chem.

277:36415-35424 ("Mathews"). Anticipation requires that every limitation of the claims be set forth in a single reference. The new claims are directed to the monoclonal antibodies designated 1A10, 1C3, or 82E1, or chimeric or humanized forms thereof. Neither Chain nor Mathews discloses any of the monoclonal antibodies designated 1A10, 1C3, or 82E1, or chimeric or humanized forms thereof. Accordingly, neither Chain nor Mathews anticipates the new claims. Withdrawal of the rejections based on Chain and Mathews is requested.

(v) Claims 1-5 and 8-15 were rejected under 35 U.S.C. §102(a) as anticipated by Horikoshi et al., Biochem. Biophys. Res. Comm. 319:733-737, published online 21 May 2004 ("Horikoshi"). The rejection is based on the Examiner's assertion that the foreign priority document of the application cannot be relied upon to overcome the rejection because a translation of the document has not been made of record. In response, submitted herewith is a translation of foreign priority document, JP 2004-045111, filed 20 February 2004. The pending claims are entitled to the benefit of the foreign priority document. Accordingly, the rejection over Horikoshi should be withdrawn.

III. Information Disclosure Statement (IDS)

An IDS is submitted concurrently with this Amendment. The IDS includes the Hirikoshi references discussed immediately above. Although the Examiner cited Horikoshi in the Office Action, he did not include Horikoshi on the form PTO-892 that was included with the Office Action. Accordingly, Horikoshi is included on the IDS that is being submitted so the Examiner can acknowledge consideration of the reference such that it will appear on the face of any patent that issues from the application.

IV. Conclusion

This application is believed to be in condition for allowance, which is earnestly solicited.

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